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2       FILED       ENTERED  
2       LODGED       RECEIVED  
3

3       SEP 20 2005

4       AT SEATTLE  
4       CLERK U.S. DISTRICT COURT  
4       WESTERN DISTRICT OF WASHINGTON  
4       DEPUTY

5       BY

6                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT SEATTLE

8       GEORGE EARL BYRD, JR.,       )  
9                   Plaintiff,       )  
10                   v.               )  
11       KING COUNTY, *et al.*,       )  
12                   Defendants.       )  
12                                        )

CASE NO.    C04-1646-MJP-MJB

ORDER DISMISSING § 1983 ACTION

13       The Court, having reviewed defendants' motions for summary judgment, the Report and  
14       Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, any objections  
15       thereto, and the balance of the record, does hereby ORDER:

- 16       (1)      The Court adopts the Report and Recommendation.
- 17       (2)      Defendants' motions for summary judgment (Doc. #35, #38) are GRANTED.
- 18       (3)      The complaint and this § 1983 action are DISMISSED with prejudice. This dismissal  
19                   shall count as a dismissal under 28 U.S.C. § 1915(g).
- 20       (4)      The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants,  
21                   and to Judge Benton.

22       DATED this 20 day of Sept, 2005.



04-CV-01646-ORD

  
MARSHA J. PECHMAN  
United States District Judge

ORDER DISMISSING § 1983 ACTION